

HOUSE BILL NO. 234

INTRODUCED BY LANGE, HIMMELBERGER, SINRUD

A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING THAT A MILITARY DISCHARGE CERTIFICATE INADVERTENTLY FILED WITH A COUNTY CLERK MUST BE RETURNED OR TRANSFERRED UPON REQUEST; CLARIFYING THAT IT IS NOT THE CLERK'S DUTY TO FILE A DISCHARGE CERTIFICATE; PROVIDING DEFINITIONS; AMENDING SECTION 7-4-2614, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 7-4-2614, MCA, is amended to read:

"7-4-2614. Records of certificates of discharge from military service. (1) It is the duty of the county clerk of any county of this state to record, without charge and in a book kept for that purpose, the certificate of discharge of an honorably discharged person, ~~regardless of sex,~~ who served with the United States forces upon that person's request. IT IS NOT THE CLERK'S DUTY TO FILE THE CERTIFICATE.

(2) ~~Military discharge certificates are~~ A RECORD OF A MILITARY DISCHARGE CERTIFICATE IS confidential and ~~are~~ exempt from the provisions of Title 2, chapter 6. A military discharge certificate may be disclosed only to:

- (a) the service member ~~who filed~~ FOR WHOM the certificate WAS RECORDED;
- (b) if the service member is deceased, the next of kin of the service member or a mortuary, as defined in 10-2-111, for the purposes of securing the burial benefits to which the service member is entitled;
- (c) a veterans' service officer or a veterans' service organization, as defined in 10-2-111;
- (d) the veterans' affairs division of the Montana department of military affairs; or
- (e) any person with written authorization from the service member or from the next of kin of the service member, if the service member is deceased.

(3) ~~Upon~~ IF AN ORIGINAL DISCHARGE CERTIFICATE WAS INADVERTENTLY FILED AND THE COUNTY CLERK STILL RETAINS THE CERTIFICATE IN ITS ORIGINAL FORM, UPON the written request of the service member or of the service member's next of kin if the service member is deceased, the clerk shall:

~~(a) return the original FILED certificate to the service member or to the service member's next of kin if the service member is deceased and properly dispose of any copy of the certificate in the county's records; or~~

1 ~~_____ (b) transfer the original certificate to another county courthouse designated by the service member or~~
2 ~~by the service member's next of kin if the service member is deceased and properly dispose of any copy of the~~
3 ~~certificate in the county's records.~~

4 (4) FOR PURPOSES OF THIS SECTION:

5 (A) "FILE" MEANS TO STORE IN ORIGINAL FORM; AND

6 (B) "RECORD" MEANS TO MAKE AND KEEP A COPY FROM WHICH A CERTIFIED ORIGINAL COPY CAN BE
7 REPRODUCED."

8
9 NEW SECTION. Section 2. Effective date. [This act] is effective on passage and approval.

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